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Attorneys for Defendants Temujin Labs Inc.
(Delaware), Temujin Labs Inc. (Cayman), and the
Individual Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARIEL ABITTAN,

Plaintiff,

v.

LILY CHAO (A/K/A TIFFANY CHEN, A/K/A
YUTING CHEN), DAMIEN DING (A/K/A
DAMIEN LEUNG, A/K/A TAO DING),
TEMUJIN LABS INC. (A DELAWARE
CORPORATION), AND TEMUJIN LABS INC.
(A CAYMAN CORPORATION),

Defendants,

and

EIAN LABS INC.,

Nominal Defendant.

Case No.: 5:20-cv-09340-NC

**[PROPOSED] ORDER GRANTING
MOTION TO [DISMISS COMPLAINT]
[QUASH SERVICE OF SUMMONS]**

The motion of the individual defendants and Temujin Labs Inc. (Cayman) (“Temujin Cayman”) to dismiss plaintiff’s Complaint came on for hearing before the Court on July 7, 2021. The parties were represented by their respective counsel of record.

After considering the papers submitted by the parties and the arguments of counsel, the Court finds that:

1. Each of plaintiff’s claims against the individual defendants are subject to dismissal for failure to comply with the applicable rules for service of process, including those under Fed. R. Civ. P. 4(e) or Cal. Code Civ. Proc. §§ 415.20 or 415.30.
2. Plaintiff’s claims against Temujin Cayman are subject to dismissal for failure to comply with the applicable rules for service of process, including those under Fed. R. Civ. P. 4(e) or (h), Cal. Code Civ. Proc. §§ 416.10 or 415.20, Cal. Corp. Code § 2110, or the Hague Service Convention.
3. Plaintiff has failed to serve the individual defendants or Temujin Cayman within the required ninety (90) days after filing the Complaint.

[Therefore, it is HEREBY ORDERED that the individual defendants’ and Temujin Cayman’s motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(5) is GRANTED and the Complaint is DISMISSED.] [Therefore, it is HEREBY ORDERED that plaintiff’s prior attempts to serve the individual defendants and Temujin Cayman are quashed. Plaintiff shall complete service within sixty (60) days of this order, failing which, all claims against the individual defendants and Temujin Cayman shall be dismissed with prejudice.]

IT IS SO ORDERED.

Dated: _____

The Honorable Nathanael Cousins
United States Magistrate Judge